

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LIONEL EDWARD KEARSE,)
Petitioner,)
v.) C.A. No. 06-48 Erie
McKEAN FEDERAL CORRECTIONAL)
FACILITY, et al,)
Respondents.)

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on February 24, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on March 20, 2007, recommended that the petition for writ of habeas corpus be dismissed and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at USP Hazelton, where he is incarcerated, and on Respondents. No objections were filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 16th Day of April, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED and that a certificate of appealability is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated March 20, 2007, is adopted as the opinion of the court.

Maurice B. Cohill, Jr.
MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____